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The ENP's Strategic Conception and Design

Overstretching the Enlargement Template?

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Until very recently, the EU's relationship with its immediate neighbourhood was mainly framed by the enlargement and pre-accession policies. So far, enlargement has not only helped the EU to incrementally expand its sphere of strategic influence, it has also proved to be a strong policy tool to enhance overall stability and security on the European continent. However, as lately the enlargement process moved towards an EU of 25 and 27 respectively, the European project has entered a crucial geopolitical stage. While bringing the EU into direct contact with new areas of strategic interest, the enlargements in 2004 and 2007 also shifted the EU borders to the very eastern – and therefore probably ultimate – limits of Europe, leaving outside a number of states that are unlikely to ever become candidates for formal membership. When introduced in 2003, the ENP with its underlying concept of a 'Wider Europe' was intended to counter the emergence of new dividing lines, which were likely to result from this post-enlargement setting. It addressed all neighbouring countries of the EU that did not have a mid-term perspective for accession.¹ The vision behind the policy initiative was to stabilize the so-called 'near abroad' to the service of the Union's security and prosperity, in essence by establishing a 'ring of friends' in the European neighbourhood without effectively enlarging the Union any further.

This chapter looks at the strategic foundations of the ENP and seeks to locate it accordingly in the broader context of previous EU policies directed towards the Union's neighbourhood. It investigates the policy solutions developed in the ENP framework, assesses their structural design, and relates them to institutional models and policy instruments that the EU has employed in the past to achieve governance impact and compliance in its neighbouring regions, most importantly in the context of enlargement and in the course of the pre-accession processes. This is intended to help answer the question whether the ENP's overall strategic conception actually constitutes a policy departure that suitably accounts for the unprecedented challenges posed in the post-enlargement context, and thus, whether and to what extent the policy indeed has the potential of being effective and successful in the long run. In order to contextualise the ENP along these lines, the chapter employs a historical institutionalist perspective, mainly building on the theoretical argument of path dependency and structural 'stickiness' in institutional development. The chapter is divided into three sections: the outline of the analytical framework, an empirical and a concluding section. It ends on a critical note, pointing at the inherent ambivalence of a policy conception that is intended to achieve 'integration without accession' while relying on the conditionality formula of enlargement.

The ENP as a Case for Path Dependent Stickiness

Many studies analysing the ENP's strategic rationale and institutional set-up avail themselves of the argumentative framework of historical institutionalism (e.g. Kelley 2006; Magen 2006), which in fact provides a useful explanatory model for the way institutions and policies emerge, develop and persist over time. The basic assumption of this approach is that the general orientation and structural nature of policies is formed by the course of past developments, and thus, by strategic and structural choices made earlier in related policy-making processes (Pierson 1993). Policies are assumed to be 'path dependent', meaning in the first place that their generation and functioning can only be understood if embedded in the specific historical context (Kay 2005). Adding a more substantial claim, historical institutionalists mainly argue that this path dependency causes constrained or 'sticky' change. It is thought to produce tracks of structural continuity over time, which to a certain extent lock the flow of institutional change (Pierson 2000). In a next step, this is expected to reduce the overall potential for innovative shifts and factual departures within the policy system concerned.² The historical institutionalist approach thus regards policies as institutional instances bounded by political choices taken in preceding policy-making contexts rather than, as rational institutionalists would suggest, as political tools deliberately established to serve a specific political objective or to tackle a certain strategic challenge (Pierson 1998; Blyth 2002).

Applying this theoretical argument to the case assessed herein, the assumption is that concepts and practices established in other EU 'neighbourhood' contexts have had substantive impact on the overall strategic conception and the structural design eventually adopted for the 'new' ENP. This sort of 'policy transfer' is expected to become clear from a comparative assessment of the ENP with the most relevant EU policy introduced in another context of 'integration beyond borders', which is: enlargement. In fact, looking back into the recent history of European integration, one can see that the idea and aim of 'building security in the European neighbourhood' as it has recently been voiced in the ENP framework is not totally new to EU foreign policy. Throughout the last two decades, the internal process of integration has been accompanied by the progressive extension of the Union as an established zone of prosperity, stability and security and as a normative centre of gravity to capture many adjacent regions and major parts of the European continent. In the course of this development, the EU has managed repeatedly to project its rules, norms and values extra-territorially, most notably, democracy, rule of law, human rights, and market economy, and to shape its neighbourhood accordingly and in its own interest.

In principle, the contention that the ENP shows strong path dependent traits in respect to the enlargement and pre-accession model, and that it builds extensively on the enlargement template, is without controversy among policy analysts and external observers. Scholars have in fact found numerous different ways of describing the ENP's alleged path dependent 'stickiness', asserting for instance that the European Commission as the main institutional player involved in the development of the policy had shown a "strongly mimetic behaviour", that the ENP had suffered "from almost

reflexive reliance on prior models” (Magen 2006: 402), that its overall design had featured “significant mechanical borrowing from the enlargement strategies” or that there was immediate and “strong evidence for a policy transfer from enlargement” (Kelley 2006: 32). Apart from this general criticism, it could even be maintained that one of the specificities of the ENP was that the very policy-making process behind it has been *overtly* path dependent from the beginning. An important source in this context is a seminal speech Romano Prodi, then President of the European Commission, held in late 2002, sharing his thoughts on the plans for the establishment of a new “Proximity Policy” for the EU:

“Let me try to explain what model we should follow. I admit that many of the elements which come to my mind are taken from the enlargement process (Prodi 2002).”

Also in the key policy documents outlining the rationale and structural methodology of the ENP (European Commission 2003, 2004), there are recurrent references to the “successful foreign policy instrument” of enlargement, and most significantly, to the strategic objective of “expanding the benefits of enlargement” to other neighbouring countries.³ Even though in the first place the “response to the practical issues posed by proximity and neighbourhood” should be seen “as separate from the question of EU accession” (European Commission 2003), there was a strong if not striking similarity with the enlargement model inherent to the entire policy argument as well as to the instruments suggested for the operationalization of the ‘new’ neighbourhood concept. Kelley (2006) has collected a series of very critical anonymous assessments made by Commission officials who were directly involved in the preparation and policy formulation processes: according to one official’s point of view “there [was] nothing new in the ENP except packaging.” Another one claimed “the ENP [was] nothing more than a diluted version of the enlargement policy” and provided impressive evidence on how obvious the inherent institutional ‘stickiness’ of the ENP got, reporting that in very early in-house drafts on the policy, “the name of a recent candidate would sometimes accidentally appear” (33). While the policy instruments developed in the ENP framework cannot simply be dismissed as cheap or copy-pasted remakes, the imitation of the enlargement template nevertheless remains conspicuously evident.

Wrapping up, from an historical institutionalist perspective, the formative power of the past is relevant to *any* process of policy-making, with only the degree and pattern of path dependent ‘stickiness’ varying from case to case. Hence, the major analytical puzzle does not exactly emerge from the question *whether* the ENP has been and is subject to this sort of mechanism or not. Having asserted that there actually *is* significant evidence for this sort of structural linkedness and boundedness through time, the aim is rather to identify the specific traits and the pattern this line of imitation has followed in the case of the ENP. This can help to get an idea of the extent to which the ENP has been shaped by the legacy of past policy strategies and practices, a legacy that has not least been enforced by the enduring success the enlargement model has achieved in reforming and shaping the European neighbourhood.

The ENP and the Enlargement Template

The EU Way of Encountering the ‘Near Abroad’?

Looking back into the recent history of European integration, it can be maintained that in recent years, the EU has continuously followed a certain strategic approach when encountering its neighbours and adjacent regions. In fact, when looking at the type and orientation of policy solutions adopted so far in the broader ‘neighbourhood’ context, it becomes evident that the EU has developed a specific strategy when it comes to addressing its ‘near abroad’ – be it prospective fellow member states, or less engagingly, associates and neighbouring partners. Generally, the aspiration of shaping and transforming the adjacent regions has entered EU foreign policy only after the end of the Cold War, whereas before, the Union’s external relations had been known for their apolitical content and distinct reluctance to interfere with the domestic systems of other countries. Since the early 1990s, however, EU rules, norms and values have become ‘essential elements’ in any institutionalised relationship with third parties, employed as both objectives and conditions for future cooperation, association and integration (Schimmelfennig 2007). The pre-accession procedures in Central and Central Eastern Europe have vividly illustrated the EU’s unique capability of influencing and shaping governance systems beyond its external borders according to its restrictive normative principles, namely through the strategic tool of positive conditionality, which Wallace (2003) circumscribed as “the promise of integration linked to the fulfilment of political, economic and administrative conditions” (1).

Apart from dominating the accession processes in post-communist Europe, this strategy of ‘external governance projection through conditional integration’ has not only made its way into the EU Stabilization and Association Process (SAP) addressing the Balkans but has eventually also intruded the strategic conception of what has been promoted as the ‘New Neighbourhood Policy’, the ENP. The ENP can in fact be seen as the most recent instance on a continuum of domain-expanding EU policies that all share the strategic logic of conditionality, and thus, build on the power of carrots and incentives (Magen 2006). The adoption of the conditionality principle in the ENP framework in fact also constitutes one of the strongest and most decisive elements of path dependent ‘policy transfer’ from the strategic template of enlargement. Analogous to the pre-accession relationships but also to the EU’s international association policies, the ENP ties any re-evaluation of the bilateral relationship with a neighbouring partner country to progress in certain priority areas. Political, economic and social change in the countries addressed is sought to be achieved by way of incentives set out in return for reforms and achievements that comply with the basic values of the European project as well as with the structural and economic requirements of full membership.

Another instance of mimetic policy formulation on this strategic level is the ENP’s reliance on the principle of socialization, which again, has also been an essential tool during recent enlargement rounds. As much as in the pre-accession context, socialization is now intended to effect change in the new European neighbourhood through the creation of reputational pressure, including tactical measures like shaming, persuasion or the support of reform-minded forces to trigger systemic change

from within. Last but not least, the ENP has also taken over the principle of differentiated treatment as established during the pre-accession preparations in Central and Central Eastern Europe. Much like before in the case of enlargement, flexible standards taking into account the basic diversity and uniqueness of each of the partners are again expected to favour the overall success of governance transformation and reform in the respective ENP partner countries. This is done by way of specific Actions Plans for each individual ENP partner country that provide an extensive list of priorities as well as a detailed roadmap for reform and transformation.

Structural Borrowing from Enlargement

These structural elements of the ENP strongly evoke the operational and instrumental arrangements that have also been employed in the context of enlargement. On the level of methodology and policy instruments, the ENP's design could in fact be hardly more similar to what had before been established and applied successfully in the relationship with the Central and Central Eastern European candidate countries. Early issues of the ENP Action Plans were modelled most directly after the association agreements used in the pre-accession context, including some explicit references to the Copenhagen criteria (Vahl 2005). The same holds true for the monitoring and evaluation tools suggested in respect to the 'new' neighbourhood policy: the unilateral reports – termed 'regular country reports' – produced in the ENP context are more than just akin to the 'progress reports' used during the accession negotiations. Just as in the enlargement context, these annual reports are also employed for the purpose of socialization, e.g. to praise progress or to shame ENP partners for lacking reform or violation of human rights.

An important source of path dependency can be found on the administrative level and the level of human resources, which in fact constitutes the most direct instance of 'policy transfer' from enlargement. As a matter of fact, several key officials now working on the ENP also have a distinct enlargement related background, and most teams working together on the preparation of one specific candidate have been retained and assigned together to deal with one of the ENP countries. "Major parts of the Commission's personnel resources were simply shifted from the enlargement to the ENP corner" (Kelley 2006: 32). Employing the historical institutionalist terminology, this enormous transfer of know-how and people could be seen as 'sticky potential' likely to enhance a path dependent and self-reinforcing process of institutional continuity over time. From a practical point of view, this obvious lack of major regroupment on the lowest level of single individuals involved in the process of implementation might have reinforced the above-outlined strategic reliance of the ENP on past models and solutions. By suggesting established tools and instruments for the realization of an allegedly 'new' policy approach, and by appointing a body of staff that has been consigned to do very similar technical work over years but in a completely different geopolitical context, the makers of the ENP have most likely determined the extent to which the new policy conception could actually depart from the ethos of enlargement, and thereby, account for the essential difference of 'integrating *without* enlarging'.

The Conditionality Formula Reloaded – What is ‘New’ About the ‘New Offer’?

In its 'Wider Europe' Communication (2003), the European Commission promoted a "New Vision and a New Offer" for the post-enlargement neighbourhood. As pointed out above, the ENP's strategic conception is – just as the enlargement policy used to be – fundamentally based on the principle of conditionality, and thus, on the conditional use of incentives. Conditionality may be seen as the quid pro quo principle of any policy of the EU aiming at the outside projection of values, policy standards and beliefs, since it is key to the compliance strategy lying behind these policy models. The 'New Offer' presented in the ENP framework thus contains the core substance that the conditionality method builds upon in this case: the incentives for compliance with EU values and those parts of the *acquis* that ought to be shared in the ENP framework (Bonvicini 2006).

The incentives offered “in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms” are numerous (European Commission 2003). They include the offer of a stake into the internal market and the expansion of regulatory structures, with the mid-term perspective of moving beyond cooperation to a significant degree of integration, and towards preferential trading relations, market opening and the reduction of trade barriers. Moreover, the catalogue of carrots counts in the perspective for lawful migration and movement of persons, ensuring that the new external border would not become or remain a barrier to trade, social and cultural exchange or regional cooperation, e.g. through the wider application of visa free regimes. Another ENP incentive is the intensified cooperation to prevent and combat common security threats, prioritising issues like terrorism, trans-national organised crime, customs and taxation fraud, nuclear and environmental hazards as well as communicable diseases. This also includes cooperation on judicial and police cooperation, and the development of mutual legal assistance. The ENP furthermore offers the prospect for greater political engagement in conflict prevention and crisis management in the neighbouring countries concerned, including post-conflict security arrangements as well as additional funding for reconstruction and development. Another incentive set out in this context is concerned with the promotion of human rights, intensified cultural cooperation and measures for the enhancement of mutual understanding, such as dialogue, free exchange of ideas, contribution to the development of a flourishing civil society, establishment of student and professional exchange programmes, governance and human right trainings, twinning opportunities, etc. The catalogue also contains incentives in the area of transport, energy and telecommunication together with the prospect of integration into the European research area, including new regional dimensions for existing programmes like Galileo or Trans-European Networks. New instruments for investment promotion and protection aiming at the enhancement of a more stable and stronger climate for domestic and foreign investment are listed as much as the promise for a continued fight against corruption, the strengthening of the rule of law and the independence of the judiciary. Additional carrots are offered in relation to the inclusion in the global trading system, with WTO membership building the integral part of a positive economic agenda.

When trying to interpret this set of incentives essentially contained in the ENP's 'New Offer' from a historical institutionalist point of view, two main characteristics become evident. Firstly, most of the points suggest a mere continuation of already existing systems of bilateral cooperation, which as such would not require the specific framework of a policy as comprehensive and ambitious as the ENP. Others in turn again evoke elements of the conditionality system employed in the context of enlargement. What is then actually 'new' about the offer? Despite a few minor elements of adaptation, the most significant, and at the same time, the most obvious novelty about the ENP's 'offer' appears to be that the possibility of accession is clearly ruled out "at this stage of the game" (Prodi 2002). What is genuinely new is in fact the missing membership perspective. A country that is willing and able to comply with the common values may – no more and no less – "come as close to the Union as it can without being a member" (European Commission 2003). Lavenex and Schimmelfennig (2006) found a particularly mild description for the political significance of this limitation stating that "The ENP does indeed promote enlargement – albeit only at the level of selected policy areas and without access to the core decision-making bodies of the EU" (143).

There has been an extensive debate both within the European Commission and in academia, whether in the context of this 'New Offer', the carrot for the new neighbours was only smaller than in the pre-accession context, or whether the carrot was in fact missing altogether. Meloni (2007), for instance, rightly pointed at the ambivalent nature of the conditionality deal at stake. As a matter of fact, the ENP is asking the partner countries to engage in a particularly expensive and troublesome process of normative and legislative approximation, while the reward set out to them in return is all but clear, and absolutely non-committal. Accession conditionality used to be extremely successful in "locking in democratic transformation and in ensuring the adoption of the *acquis communautaire* in the New Member States" (Lavenex/Schimmelfennig 2006: 138). However, the criteria employed in the context of enlargement conditionality were strictly linked to accession, and as such, were equal to reaching the "capacity to assume the obligations of membership" (Meloni 2007: 31). The question remains whether the 'new' ENP offer of "more than partnership and less than membership" (Prodi 2002) is really able to compensate the power of attraction that the membership perspective once used to provide? Prodi (2002) himself posed a similar albeit rhetorical question at an early stage of the ENP policy-making process, obviously trying to avoid calling the membership prospect an 'incentive' per se, and terming it a 'goal' instead:

"The goal of accession is certainly the most powerful stimulus for reform we can think of. But why should a less ambitious goal not have *some* effect? A substantive and workable concept of proximity *would* have a positive effect [original emphases]."

Prodi did not offer a convincing answer to support the viability of his ambition to "extend the area of stability without immediate enlargement of the Union". Interestingly, the substantial power of the membership incentive was also emphasised in the 'Wider Europe' Communication (2003), which in fact was to defend and legitimise the introduction of a diluted version of the old catalogue of incentives.

"The incentive for reform created by the membership prospect has proved to be strong. Enlargement has unarguably been the EU's most successful foreign policy instrument."

It could be observed that, at a later stage, this sort of clear statement gradually disappeared from the ENP documents and the political declarations by the Commission; yet the evidence of an inherently ambivalent compliance strategy remained as much as the unconvincing structural reliance on what used to build the basis for the more promising model of 'integration through prospective membership'.

Elements of Change and Adaptation

Given this strong evidence of structural borrowing from previous policy models, it should hardly be surprising that the rate of factual changes in the overall policy structure and set-up has to remain poor. Indeed, there are not many instances of modification or even innovation identifiable in the concept and making of the ENP. Recalling the idea of the policy continuum and the analytical argument that from a historical institutionalist and procedural point of view, the ENP should not be regarded as an entirely detached and stand-alone policy construct, we might expect two types of change: on the one hand, some elements of change might become evident from a direct comparison of the ENP to previous policy concepts and unveil instances of change and adaptation introduced in the course of the making of the new policy. Another type of change in turn might involve adaptations made ex post or on an ad hoc basis and become manifest when assessing the implementation practice of the policy as well as analysing the respective follow-up documents. Interestingly, the ENP provides one, and no more, no less, example for each of these two types of change.

While there is no relevant strategic or formal departure from the enlargement template, the introduction of a new financial instrument for the ENP has to be regarded as a genuine innovation. It fundamentally revolutionized the old established funding procedures for regional cooperation programmes. In July 2003, the Commission formally launched the concept of a New Neighbourhood Instrument intending to enhance coordination and transparency in the field and seeking to solve the problems caused by the variety of financial programmes at hand (European Commission 2003a). It suggested a two-stage approach for the gradual reorganisation of EU external assistance within the catchment area of the ENP. After a transitional phase (2004-6) involving the launch of combined 'Neighbourhood Programmes', in January 2007, the European Neighbourhood and Partnership Instrument (ENPI) was put into place in order to bring convergence to the set of existing cross-border funding schemes.⁴ The advantages resulting from the ENPI were in fact already evident during the first phase of implementation (Copsey/Mayhew 2005), and they are expected to become even more salient once all programmes have been consistently merged under the ENPI umbrella.

Kelley (2006) in turn identified a particularly catchy example for the second type of change, i.e. of instances of modification introduced post hoc in the course of the implementation process. She marked that since the early working drafts of the neighbourhood initiative, the language of conditionality has been significantly toned down. Initially, the Commission appeared to opt for a strict form of

conditionality, using words like ‘benchmarks’ or ‘targets’ that were to be met as ‘necessary preconditions’ for specific rewards and efforts (European Commission 2003). The ‘Wider Europe’ Communication still contained the clear statement that “engagement should be conditional [...], setting clear and public objectives and benchmarks”. The following communication in turn clearly tried to avoid the hard elements of conditionality and rather employed terms like ‘incentives’, ‘ambitions’ or the ‘degree of commitment.’ The official policy of conditionality was then that “the level of ambition of the EU’s relationships with its neighbours will take into account the extent to which these values are effectively shared” (European Commission 2003). Accordingly, also the rhetoric applied in the ENP Action Plans became remarkably ‘softer’ over time, as for instance evident in the case of Ukraine, where the Commission emphasised that “the pace of progress of the relationship will acknowledge fully Ukraine’s efforts and concrete achievements in meeting commitments to common values” (Ukraine Action Plan 2004). Generally, however, this does not constitute any major innovation, which would, in a next step, alter or strengthen the basic strategic conception behind the ENP. This way of downplaying the importance of the factual decision of the ENP countries to align with the *acquis* rather adds another flaw to the overall picture (Meloni 2007).

Overstretching the Enlargement Template?

Despite the apparent continuities between the ENP and enlargement as well as other established policies of the EU directed towards the Union’s neighbourhood, there are important factors that turn the ENP into a special case. The catchment area it addresses is larger than the EU territory itself, and the range of countries that the policy seeks to lump together in one single superordinate policy framework is more diverse and structurally disparate than any other group of states or region addressed in other comparable EU policies.⁵ Looking at the normative aspirations and the overall strategic objective behind the policy of ‘integrating without enlarging’, the ENP can be seen as the most ambitious plan of external governance projection the Union has envisaged so far. Apart from the grand vision behind the policy, there is a unique challenge the EU has to face at this point of its strategic, territorial and geopolitical development. In fact, the circumstances that the ENP is confronted with differ greatly from previous settings of ‘governance export through integration’. Today, the EU faces the unprecedented challenge of having to institute and govern friendly neighbourhood relations across ultimate borders (Lavenex 2004) whereas before, every instance of expansion into the adjacent regions had merely brought new *preliminary* neighbours – and in a sense, future fellow members.

While in the enlargement context, the notion of ‘neighbourhood’ used to denote some kind of intermediate status for prospective member states, in the ENP framework, it has become much of a fatal label with unpromising implications for the ‘neighbours’ concerned. The question arises, why structurally the ENP has been designed on the existing enlargement model while today’s strategic circumstances of having to deal with an ‘ultimate neighbourhood’ are clearly not comparable to the

pre-accession setting in Central and Central Eastern Europe. Established policy solutions are in fact translated into an entirely different geostrategic and political context, but are nevertheless expected to generate equally positive effects. How can the extent of structural conservatism behind the ENP be explained against the background of the *unprecedented* strategic challenges at hand?

The classic model of enlargement has clearly passed the test in its original context, where in fact, it has proved to be a strong tool for the sustainable enhancement of prosperity, stability and security on the European continent. When looking at the then following continuation of the policy model in the form of the ENP, it becomes clear that this success must have remarkably influenced the way policy-makers have decided to frame the new neighbourhood setting politically. The assessment of the strategic conception and the policy instruments developed in the framework of the ENP has shown that there is a strong reliance on the well-established model of enlargement. In many different respects, the ENP has been modelled directly after the pre-accession procedures employed in the Central and Central Eastern European context. It may be seen as the direct result of an institutional path continued over time. It is much of the material outcome of the attempt to replicate the prominent policy formula of 'eliciting compliant transformation in adjacent areas by way of conditionality and socialization', and to continue the success story of the model through stages of decisive political change, or rather, notwithstanding this change. In many different respects, the ENP may thus be said to constitute sort of a diluted policy variation, or what Vahl (2005) called an overstretched and wannabe "ersatz enlargement" (9).

The ENP: Structural Conservatism and Sensitivity to Change

Wrapping-up, in what way does the historical institutionalist strategy of tracing policy developments over time offer a helpful analytical toolkit for the assessment of whether the ENP has the potential to live up to outside expectations and strategic challenges in the long run? The link between the path dependency argument and the potential inadequacy of a policy strategy lies in the various potential ways the alleged 'stickiness' or 'boundedness through time' described earlier in the chapter is thought to impact on the overall development of a policy model. On the one hand, path dependent continuation directly influences current policy choices; on the other, this 'stickiness' also changes the costs and benefits associated with alternative political strategies (Pierson 1993). Therefore, path dependency has to be seen as a mechanism or "way to narrow conceptually the choice set and link decision-making through time" (North 1990: 99). Accordingly, Kay (2005) defines policy-making as a "process all about sequenced choices" (556) – choices about action or inaction, and between different policy instruments, procedural methodologies and strategic conceptions. As North (1990) put it – "at every step along the way, there are choices that provide [...] real alternatives" (98). Path dependent sequences can thus be said to constrain the strategic view on these alternatives by impacting on and potentially constraining future choice sets, and thus, the power and ability of a policy-making system to produce innovative policy solutions.

"Each step along a particular path produces consequences which make that path more attractive for the next round. As such effects begin to accumulate, they generate a powerful virtuous (or vicious) cycle of self-reinforcing activity" (Pierson 1990: 253).

The potential 'viciousness' that Pierson is alluding to lies in the then increasing probability of "suboptimal policy outcomes" (Kay 2005: 554). Accordingly, the ENP could be seen as the outcome of a sequence of institutional choices locked in a certain, and in view of the new strategic challenges currently faced, potentially unfavourable path. However, it is not the specific path that is to be perceived as 'wrong' or 'unfavourable'; it is rather the structural conservatism itself that risks reducing the effectiveness and success of the policy in the long run. Geopolitical reality presents a continuous challenge to the performative power of any policy. From this point of view, sensitivity to change has to be regarded as a key quality with major significance for the political and strategic adequacy of any respective policy. Evidence for this sort of sensitivity is likely to be found in the timeliness of policy choices and in the general flexibility of a policy system to adapt to changes in the overall strategic environment. Looking at the specific case of the ENP, it becomes clear that the mechanisms by which it has repeatedly been tried before to 'project rules beyond borders' have largely been preserved even though the circumstances for action have changed considerably.

The nature of the 'neighbourhood' relationship has changed in respect to enlargement: in contrast to the candidate countries, the ENP partners and the EU share a very different history of cooperation. Before launching the ENP, the EU has already had a decade long active economic relationship with most of the countries. However, instead of providing an asset, the experiences made in these contexts rather constitute a bad legacy, since until now, most bilateral efforts have largely remained ineffective.⁶ Moreover, the recipients of 'external action directed towards the neighbourhood' have also changed in both quantitative and qualitative terms. The bilateral relationships have a lower starting point due to the stage of maturity of the ENP partners in respect to the values promoted by the policy. They partly face entirely new challenges and combinations of problems where the experience with post-communist transformation processes that the Union has gathered during the recent enlargement rounds is of little help. Not least, there is also a clear lack of positive competition between the ENP countries. While in the enlargement context the inherent competitive dynamism between the Central and Central Eastern European candidate countries used to constitute an important favourable factor, this effect is almost entirely missing in the ENP framework. The group of states that has been lumped together in the ENP is simply too diverse as to allow this sort of mechanism. What generally appears inherent to the strategic conception of the ENP is a strong reliance on the belief that despite these very different circumstances the 'enlargement formula' may be replicated to the largest possible extent. When designing the ENP, the policy-makers in fact failed to innovate the strategic conception of enlargement to the extent of making the "appropriate adaptations" (Knill and Lenschow 1998), and thus, to give evidence of their general sensitivity to change.

Compliance and Credibility

The logic of exclusion which 'integration without enlargement' and the idea of an 'ultimate neighbourhood' inevitably entail must be expected to have major repercussions on the way the Union will be seen by the very ones left 'outside', and consequently, on their readiness to comply with a set of rules that – at best – may lead them to 'everything but institutions'. The creation of the ENP as an umbrella policy to address both the EU's newly gained neighbourhood in the East, and the entire group of Mediterranean partners, has considerably raised the overall visibility of EU external action, and as a result, made its performative power in this respect subject to increased critical examination by external observers, and not least, all the third parties involved. Third party perception is likely to have a decisive impact on the EU's overall power of attraction, which in turn, will determine the ENP's long-term success. What does the specific ENP case tell us about the general ability of the EU to produce up-to-date policy solutions for the most crucial geostrategic challenges it is facing? And what implications may the apparent strategic inadequacy of the ENP be expected to have for the EU's role on the international scene and its credibility as a partner and global actor? The credibility issue evokes earlier discussions about the capability-expectations gap in the context of the EU's, or then rather the EC's, foreign political actorness (Hill 1993). While in the early 1990s, this 'gap' largely resulted from the outside load (often irrationally) imposed onto the Community "following the Single Market and the Intergovernmental Conferences of 1991" (315), the Union now appears to be in a situation where external expectations *and* self-proclaimed ambitions to an equal extent produce pressure on the EU to perform credibly and effectively in the global arena.

The European project is not only expected by others to generate appropriate outputs that 'expand the benefits of integration to the world', and thereby, to politically live up to its given normative and economic power. To a very large extent, the EU has also 'talked itself up' into this exposed situation. The ENP has been harshly, and in most cases, rightly criticised for its lacking performative power in conflict resolution, most significantly, in the context of border conflicts in the European neighbourhood (Tocci 2004; Cameron 2006; Gillespie 2006), its weak performance in respect to the exertion of influence on autocratic regimes (Poselsky 2004; Cremona and Hillion 2006), its oscillation between normative priorities and obvious strategic interests (Lavenex and Schimmelfennig 2006), budgetary constraints and competing regional priorities within the policy framework (Missiroli 2007), and most importantly, for the structural weakness of its system of conditionality, given the absence of the membership carrot" (Kelley 2006). In fact, looking at the policy tools produced in the ENP context, and taking stock of their potential effectiveness in view of the challenges faced, one could say that the European project has again – and probably more than ever – reached a "point where it is not capable of fulfilling the expectations held of it" (Hill 1993: 315), and most significantly, where the expectations it has recently encouraged by way of florid declarations and self-affirmative statements largely exceed its current performance capability.

What one could hold against this criticism is the aspect of timing. In fact, the ENP could certainly be regarded as – just what it is – a policy with a distinct long-term orientation, implying that the material gains are not yet conceivable but are to be expected in the long run. However, what should be discussed more openly is the overall suitability of the approach itself. Has the immediate and intuitive post enlargement reflex actually led to a viable and useful set of policy solutions? Have the policy-makers taken appropriate account of the new geopolitical circumstances while constructing the new policy? Are the available policy tools capable of balancing the ENP's inherent logic of exclusion? What arguments support the distinct optimism that the 'enlargement formula' is expansible to any other strategic context, and most significantly, to a context where a very different political outcome is intended? Can conditionality be expected to work if the membership incentive is absent? The ENP partners might not be motivated to undertake domestic reforms if the prospect of accession is ruled out from the very beginning. The obvious reliance on the persistence and continuation of previous strategic trajectories has indeed no consistent or rational foundation. The ENP offers a set of weak tools, a softened and diluted version of the enlargement model, while the nature and level of challenges to be tackled in the European neighbourhood have reached an all-time high in terms of complexity and geopolitical disruption.

Only recently, the European Commission (2007) defined the very challenge the EU has to face today: “what is at stake, is the EU’s ability to develop an external policy complementary to enlargement that is effective in promoting transformation and reform.” It appears noteworthy that the necessity of *developing* such a policy was being asserted four years after launching the ENP, and essentially, at a point where the outcomes of implementation should have been presented. However, apart from this very general awareness, there is no serious evidence for any efforts within the European Commission to revise the global approach of the policy, or let alone, to recalibrate it altogether. The ENP implementation process is about to enter its fifth year; in its first years, the institutional construct has been adapted and improved in some respects. However, the general inexpedience of the strategic conception behind it has remained.

While the Commission machinery is conducting implementation business as usual, the whole undertaking risks sliding into a grand scale failure. A failing neighbourhood policy would have decisive impact on the credibility of the EU as a global strategic actor and would significantly compromise its international standing and acceptance. The Union does neither have any sort of depository of international legitimacy, nor does the course of global developments, in the European neighbourhood and elsewhere, appear to be moving into a clearly favourable direction, and thus, to provide a window of opportunity for the Union to catch up with the challenges.

Bibliography

- M. Blyth (2002) 'Institutions and Ideas' in D. Marsh and G. Stoker (eds.) *Theory and Methods in Political Science*, 2nd edn (Basingstoke and New York: Palgrave Macmillan).
- G. Bonvicini (2006) 'The European Neighbourhood Policy and its Linkage with European Security' in F. Tassinari, P. Joenniemi and U. Jacobsen (eds.) *Wider Europe. Nordic and Baltic Lessons to Post-Enlargement Europe* (Copenhagen: Danish Institute for International Studies).
- F. Cameron (2006) 'The European Neighbourhood Policy as a Conflict Prevention Tool', *EPC Issue Paper*, 47:2006.
- N. Copsey and Mayhew, A. (2005) *Neighbourhood Policy and Ukraine* (Brighton: Sussex European Institute).
- M. Cremona and C. Hillion (2006) 'L'Union fait la Force? Potential and Limitations of the European Neighbourhood Policy as an Integrated EU Foreign and Security Policy', *Sussex European Institute Seminar Paper Series*, I:2006.
- European Commission (2003) 'Wider Europe – Neighbourhood. A Framework for Relations with our Eastern and Southern Neighbours', *Communication from the Commission to the Council and the European Parliament* COM(2003) 104. 11 March 2003.
- European Commission (2003a) 'Paving the Way for a New Neighbourhood Instrument', *Communication from the Commission* COM(2003) 393. 1 July 2003.
- European Commission (2004) 'European Neighbourhood Policy Strategy Paper', *Communication from the Commission* COM(2004) 373. 12 May 2004.
- European Commission (2007) 'A Strong European Neighbourhood Policy
- R. Gillespie (2006) 'This Stupid Little Island. A Neighbourhood Confrontation in the Western Mediterranean', *International Politics*, 1:2006, 110-132.
- C. Hill (1993) 'The Capability-Expectations Gap, or Conceptualizing Europe's International Role', *Journal of Common Market Studies*, 305-328.
- A. Kay (2005) 'A Critique of the Use of Path Dependency in Policy Studies', *Public Administration*, 553-571.
- J. Kelley (2006) 'New Wine in Old Wineskins. Promoting Political Reforms Through the New European Neighbourhood Policy', *Journal of Common Market Studies*, 29-55.
- C. Knill and A. Lenschow (1998) 'Change as Appropriate Adaptation. Administrative Adjustment to European Environmental Policy in Britain and Germany', *European Integration Online Papers*, 1:2008.
- S. Lavenex (2004) 'EU External Governance in Wider Europe', *Journal of European Public Policy*, 680-700.
- S. Lavenex and F. Schimmelfennig (2006) 'Relations with the Wider Europe', *Journal of Common Market Studies*, Annual Review, 137-154.
- A. Magen (2006) 'The Shadow of Enlargement. Can the European Neighbourhood Policy Achieve Compliance?', *Columbia Journal of European Law*, 383-427.
- G. Meloni (2007) 'Who's My Neighbour?' *European Political Economy Review*, 7, 24-37.
- A. Missiroli (2007) 'The ENP Three Years On: Where From – And Where Next?', *EPC Policy Brief*.
- D. C. North (1990) *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press).
- P. Pierson (1993) 'When Effect Becomes Cause: Policy Feedback and Political Change' *World Politics*, 595-628.
- P. Pierson (1998) 'The Path of European Integration. A Historical Institutional Analysis' in W. Sandholtz and A. Stone Sweet (eds.) *European Integration and Supranational Governance* (Oxford: Oxford University Press).
- P. Pierson (2000) 'Increasing Returns, Path Dependence, and the Study of Politics', *American Political Science Review*, 51-74.
- V. Poselsky (2004) 'The Frontiers of Europe in the Light of the Wider Europe's Strategy', *European Political Economy Review*, 251-267.
- R. Prodi (2002) *A Wider Europe – A Proximity Policy as the Key to Stability* Speech at the 6th ECSA World Conference (Brussels).

- N. Tocci (2004) 'Conflict Resolution in the European Neighbourhood. The Role of the EU as a Framework and Actor', *EUI Working Papers*, 29: 2004.
- M. Vahl (2005) 'Models for the European Neighbourhood Policy. The European Economic Area and the Northern Dimension', *CEPS Working Document*, 218.
- W. Wallace (2003) 'Looking After the European Neighbourhood. Responsibilities for the EU-25', *LSE European Foreign Policy Unit Working Paper*, 3.
- F. Schimmelfennig (2007) 'Europeanization Beyond Europe', *Living Reviews in European Governance*, II:1.

Notes

- 1 The ENP was initially also directed towards Russia. However, in May 2003, the EU and Russia agreed on the creation of the so-called “Four Common Spaces” (common economic space, common space of freedom, security and justice, common space of cooperation in the field of external security, and a common space of research and education, including cultural aspects in the framework of the bilateral Partnership and Cooperation Agreement. For a critical discussion, see Emerson (2005).
- 2 The notion of ‘policy system’ refers to the superordinate framework of a specific policy. A policy system is thought to embrace a set of inter-related policy subsystems (Baumgartner/Jones 2002: 14). In line with this definition, the ENP is embedded in the wider system of EU foreign policy, including all external dimensions of Union and Community action, and most importantly, including all policies of the EU that in the widest sense address its geographical neighbourhood.
- 3 In the ‘Wider Europe’ Communication (COM(2004) 104) as well as in the ENP ‘Strategy Paper’ (COM(2004) 373),
- 4 Since 1 January 2007, the ENPI replaces all existing programmes, including INTERREG, PHARE, CARDS as well as Tacis and Meda. The official name of the new financial instrument has been changed from "New Neighbourhood Instrument" (NNI) into "European Neighbourhood *and Partnership* Instrument" (ENPI) in order to mark the inclusion of Russia. Even though Russia decided not to be part of the overall ENP, and instead to opt for the formally different, but practically similar Strategic Partnership with the EU, the ENPI has been extended to Russian partners as well. See also note 1.
- 5 The ENP catchment area amounts to approx. 7.1 million m² excluding Russia (EU territory: 4.4 million m²) and involves a population of 280 million. Today, the ENP covers sixteen countries including Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia, and Ukraine.
- 6 Kelley (2006) mentions a few episodes that show how poorly successful the cooperation efforts have been, e.g. in the Mediterranean context. In November 2005, eight out of ten partner countries failed to send their official representatives to the Euro-Mediterranean summit hosted by UK Prime Minister Blair and Spanish Prime Minister Rodriguez.